

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al.

- vs -

ARAKI, Sadao, et al.

OPENING STATEMENT ON BEHALF OF THE HONORABLE KOKI HIROTA

We will show by the evidence already introduced into the record which relates solely to events that transpired while Mr. Hirota held office and by the production of about one hundred and twenty (120) additional documents and the testimony of at least twelve (12) witnesses, the following facts:

1. Mr. Hirota started his long service as a career diplomat in 1906 and ended his public service in May 1938. He never occupied a military office at any time. His political and diplomatic views and policies during that long period of time were constantly characterized by peace, good will and conciliation among all nations, which were mere expressions of his modest, friendly, sound and steady character. He is one of the most outstanding men ever produced by Japan and has been widely and favorably known throughout Japan and most of the nations of the world as a liberal and progressive man who constantly strove for peaceful relations between Japan and all other nations. He was known and deeply respected both as a diplomat and statesman because of his uniform advocacy of peace and conciliation among nations. Trust and belief in the soundness of his views and policies were the main reasons why he was chosen for the first time as Foreign Minister in 1933. At that time Japan was virtually isolated from the family of nations because of the attitude taken by the League of Nations and the United States toward the Manchurian Incident. He was appointed Prime Minister at the time of the internal confusion in Japan caused by the so-called February 26 Incident

which was an Army revolt led by officers having no rank higher than Major. The Hirota policy of conciliation, friendship and good will among all nations stands in contrast to the policy of the previous Foreign Minister Count Uchida which had been described as a "scorched earth diplomacy." Though the period between 1932 and 1936 was described as extraordinary because of the aftermath of the Manchurian Incident, it marked a turning point in the relations of Japan with the United States, Great Britain, the Netherlands, etc.; it marked a period of tranquility and showed a gradual improvement of internal and external conditions and relations. The slow but steady progress which Mr. Hirota had made in his capacity as Foreign Minister and Prime Minister was interrupted by the wholly unexpected Lu-Kow-Chiao Incident of July 7, 1937. The evidence will show beyond doubt that Mr. Hirota led the all-out and even heroic effort for peace on the part of the Japanese Government which immediately decided upon a policy of local settlement and non-aggrandizement; but, despite the prolonged efforts of the Government to bring the Incident to a speedy conclusion, the fighting continued to spread and what originated as the Lu-Kow-Chiao Incident expanded into the so-called China Incident. The evidence will show in detail all the efforts made by the Foreign Office to effectuate peace in China. These efforts were attended by the utmost sincerity and neither Mr. Hirota nor any other responsible official of the Foreign Office ever entertained any notion of prolonging the affair and certainly no idea of dominating or conquering China or any part of that country. No responsible official in the Foreign Office was ever so naive as to think that Japan could ever successfully dominate the teeming four hundred (400) millions in China. Japan did try to protect the lives and limbs of its nationals and their legitimate property rights in China. It had no other motive as far as the Foreign Office was concerned. The principles and policies which Mr. Hirota advocated with respect to the China Incident ultimately met opposition from the Army and this in turn caused him to resign the post of Foreign Minister in the First Konoye Cabinet in May 1938 although he had

announced his intention to resign as early as February 1938. Since his resignation he never occupied any official office in the executive branch of the Government and he had no ambition whatever in that direction.

2. Mr. Hirota by nature is endowed with "the spirit of harmony among all nations" by his very words spoken in the Diet on numerous occasions. Throughout his occupancy of high office he always sought to promote conciliation and friendship with other countries of the world. A few examples, among others, may be cited. On June 5, 1927, he arrived at the Hague as Japanese Minister to the Netherlands. During his tenure in the Netherlands he made efforts toward strengthening economic and cultural cooperation between the two countries; these efforts crystalized in the form of a Treaty of Judicial Settlement, Arbitration and Mediation which was signed at the Hague on April 19, 1933. The ratification of this Treaty met some objection by a faction in Japan. The efforts of Mr. Hirota while occupying the office of Foreign Minister resulted in the ratification by Japan of that Treaty and the exchange of ratification was formally effected in 1935.

Mr. Hirota was transferred from the Netherlands to be Ambassador to the Soviet Union and during his Ambassadorship he definitely improved the relationship and feeling between the two countries which was accomplished by solving piece by piece the various outstanding problems. After returning to Japan and assuming the office of Foreign Minister he constantly sought to strengthen the friendship and good will between Japan and the Soviet Union. Among other exertions on his part, we point to his efforts as mediator in the negotiations whereby the Soviet Union sold the Chinese Eastern Railway to Manchoukuo, the negotiations having extended over a period of nineteen (19) months in Tokyo before the formal transfer and sale was signed in March 1935. The interest of Mr. Hirota in acting as mediator was actuated solely by his effort to remove a potential source of friction. Moreover, the Chinese Eastern Railway connected with the South Manchurian Railroad and was an important traffic link between the East and Western Europe. Even Litvinov,

Commissar for Foreign Affairs, expressed deep gratification for the patient services of Mr. Hirota as mediator during the long negotiations. Nothing in connection with the negotiations for the sale, which will be shown in detail, even intimates any pressure by Japan in the negotiations. The fact is that the Soviet Union suggested the idea of sale of the railway to either Manchoukuo or Japan and the Soviet Union seemed to be as glad to remove a potential source of friction as was the Japanese Government.

3. The evidence will show that Mr. Hirota was personally in favor of the conclusion of a non-aggression treaty as proposed by the Soviet Union during his tenure as Ambassador to Russia; upon his return from Moscow he transmitted the suggestion of the Soviet Union to Foreign Minister Uchida. The reply of the Japanese Government to that suggestion was sent to the Soviet Union during the period when Mr. Hirota was in retirement, he having returned to Japan from Moscow in late 1932 and had been in the status of retirement and on pension until he was unexpectedly called to the post of Foreign Minister in the Saito Cabinet in September 1933.

4. The Anti-Comintern Pact which was concluded between Japan and Germany during the Hirota Cabinet in November 1936 had no other objective than to defend against the progressive encroachment of the Communist movements which offered imminent threat to the Japanese form of government as well as to the form of government maintained by all nations operating on the so-called capitalistic system. The Anti-Comintern Pact was aimed solely against Communist movements, not the Soviet Union, although the opinion was widely held in Japan in 1936, especially after the Seventh Convention of the Communist Internationale, that the Communist Internationale and the Soviet Union in their real objectives were one and the same thing. The Anti-Comintern Pact did not change the intention of Mr. Hirota and the Japanese Government to maintain friendly relations between the two States. The Pact was not a "first step" in the direction of a military alliance with Germany and neither Mr. Hirota nor any other responsible person in the Japanese Government in 1936

entertained any such fantastic notion. The evidence will further show that no man in Japan ever worked harder to promote friendly relations between Japan and the Soviet Union.

5. The effort on the part of the prosecution to show by the Kasahara manuscript that Mr. Hirota entertained anti-Soviet ideas is a paper with respect to which Mr. Hirota knows nothing. Part of the transcript will be referred to in which the same witness testified that the content of said manuscript, which is almost undecipherable, is contrary to what Mr. Hirota used to express as his opinion with respect to the relations with the Soviet Union.

6. The evidence will further show that the Chinese policy of Mr. Hirota was based entirely on the spirit of harmony, conciliation, compromise, and peace at almost any dignified price. Here again the evidence will show that no man in the recent history of Japan ever worked harder to bring about a rapprochement in the relations between Japan and China which were strained both before and after the Manchurian Incident. The atmosphere surrounding the relation between China and Japan while Count Uchida was Foreign Minister was gloomy in the extreme. Mr. Hirota exerted his utmost efforts in improving the relationship between the two countries as soon as he assumed the post of Foreign Minister and extended to China on many occasions directly and in addresses before the Diet the open hand of friendship and understanding. The evidence will show that during his occupancy of high office various pending problems between Japan and China were solved and new steps were effected to promote cooperation between the two countries. Thus in the early part of 1934 negotiations were started between the Minister to China Ariyoshi and Mr. Wang Ching-wei, President of the Executive Yuan and concurrently Foreign Minister of the Nationalist Government, for the purpose of fundamentally and radically improving the relations between Japan and China. These negotiations progressed smoothly and as a result Mr. Hirota made a statement to that effect in the Diet on January 22, 1935; following this statement, on February 20, 1935.

Mr. Wang Ching-wei made a statement along the same line as the foregoing. On March 2, 1935, Mr. Chiang Kai-shek endorsed the foregoing statement by Mr. Wang Ching-wei. Moreover, the Japanese Government had recognized the Chiang Kai-shek regime and Mr. Hirota was deeply interested in the tedious efforts of Chiang Kai-shek to bring internal order, unity and stability to China. In May 1935, in an effort to strengthen and promote sentiment and good feeling between Japan and China, the existing Legations in both Japan and China were elevated to the status of Embassies.

In an effort to materialize the above-mentioned Sino-Japanese relations, the Japanese Government, on October 4, 1935, decided its Chinese policy. This policy was formulated along lines of the wishes of Mr. Wang Ching-wei. The so-called "Hirota's Three Principles," with respect to China, were made public through Foreign Minister Hirota's speech in the Imperial Diet on January 21, 1936, and this statement to the Diet with respect to the Chinese policy was identical in substance with the policy decided by the Japanese Government on October 4, 1935.

7. Mr. Hirota has always maintained a firm belief that in view of the poverty of resources and economic weakness of Japan the progress of Japan was impossible without the cooperation and friendship of the United States, Great Britain, the Netherlands and China; and his friendship for and cooperation with those countries to the utmost could be said to be the cornerstone and real basis of his diplomacy. He sought to persuade Great Britain to join the Anti-Comintern Pact or a pact of similar nature which would strengthen the ties. Although Great Britain refused to join the Pact he kept fending off the frequent proposals of Italy to join the Anti-Comintern Pact solely because of fear Great Britain would not understand the motive and that reaction in Great Britain would work to the deterioration of friendly relations.

8. His bold bid for cooperation and better understanding was manifested in one form by the exchange of notes between Mr. Hirota and Mr. Hull in February 1934 and again in the personal message which Mr. Hirota sent to the United States on March 30, 1934, when he delivered an address on occasion of the anniversary of the landing of Commodore Perry on the shores of Japan in 1853, which for the first time exposed Japan to the influence of the civilization of the West. Numerous addresses made by him in the Imperial Diet will be of tremendous assistance in showing his straightforward statement of his beliefs and views. His assertion in the Diet of 1935 that "there will be no war while I remain in office" is illustrative of his determination as a diplomat and statesman. In view of the autonomous character of the Army and Navy under the Japanese Constitution the Tribunal will readily recognize the courage manifested in the foregoing statement.

9. The prosecution has contended, with all the benefit of hindsight, that though the utterances of Mr. Hirota with respect to relations with foreign powers were conciliatory, his actual policies and their results were of a different nature. By nature Mr. Hirota is not given to mental duplicity or craftiness. The evidence will show that where the result turned out to be different from the course Mr. Hirota charted the result was caused by circumstances entirely beyond his control. He resigned his last public office in May 1938 with the full realization of the fruitlessness of all his long efforts. He had the unhappy experience of being called to high office in Japan during a period of extreme distress in both internal and external affairs and while he worked with great fervor to right both internal and external unbalance, he lived to see all the ideals and objectives he worked so hard to achieve fall in ruins about him. A large part of the evidence will relate to the efforts on the part of Mr. Hirota in the face of such situations and it is intended by this means, in part, to refute the existence of a common plan or conspiracy to accomplish any of the objectives set forth in the alleged indictment and to make it crystal clear that he is not guilty of

an individual crime with respect to any count in the alleged indictment relating to him.

10. When Mr. Hirota assumed the post of Foreign Minister for the first time, Manchoukuo had already been recognized as an independent State by Japan and the relationship between the two countries was considered an accomplished fact which did not lay within the power of any one man in Japan to easily change. The evidence will show that all Mr. Hirota could do in those circumstances was to labor to improve within limits compatible with the new situation the relationship between Japan on one side and China and other powers on the other which, as previously stated, had become sorely aggravated because of the Manchurian Incident and the rise of the Manchoukuo Government. Evidence already in the case and to be further demonstrated will show that his efforts resulted progressively in removing all factors on the basis of which third powers contended that Manchoukuo was something less than a sovereign and independent State. Witness his successful effort to establish in 1935 the joint economic commission between Japan and Manchoukuo with an equal number of representatives on each side and the surrender of all extraterritorial rights in favor of Manchoukuo in 1937. His efforts consisted in conscientious adjustment of those situations.

11. In representations by the United States, Japan was sought to be held responsible for economic measures adopted by Manchoukuo such as the so-called petroleum monopoly in Manchoukuo and in other respects. The Foreign Ministry found it impossible to give full satisfaction to these complaints without fundamentally denying the independence of Manchoukuo which, as previously stated, had been recognized by the Japanese Government, before the days when Mr. Hirota came to office, as a sovereign and independent State fully capable of dealing with its own internal and external problems in its own right.

12. On July 7, 1937, the Lu-Kow-Chiao Incident suddenly broke out. It was on July 8, 1937 when telegraphic information to that effect first reached the Foreign Office. Mr. Hirota was resting at his country home at the time in Kugenuma, Kanagawa Prefecture, without the slightest knowledge, much less forethought, of this Incident. On July 9 an extraordinary Cabinet meeting was held at which the policy of non-aggrandizement and speedy local settlement of the Incident was firmly decided upon and Mr. Hirota took the initiative on that occasion. That policy was immediately transmitted from the Foreign Office to the Japanese Ambassador and Consuls in China and the Army and Navy transmitted the same instruction to their respective units in China. On July 11 a plan for preliminary preparation for mobilization was proposed by the Army and for this purpose an urgent Cabinet meeting was summoned; Foreign Minister Hirota opposed the idea of the Army for an immediate adoption of the mobilization plan. However, on that occasion War Minister Sugiyama explained that the proposed plan for preliminary preparation for mobilization did not mean an immediate start of preparation for mobilization of home divisions, but was intended only to decide preliminarily for the start of preparation for mobilization in case the situation in China should be aggravated by chance in the near future, and Sugiyama went on to explain that without this preliminary understanding he could not be held responsible for the protection of the Army itself on the spot, the numerous Japanese residents in China, as well as important Japanese vested interests, in view of the smallness of the Japanese force on the spot which numbered only five thousand (5,000) men. Upon this explanation, the Cabinet gave its approval to this preliminary Army plan with the understanding that the preparation for mobilization would be halted immediately in case negotiations for local settlement and restoration of peace were successful. On that occasion and at the insistence of Mr. Hirota he made the understanding doubly sure that, even in case an Army should be dispatched in this connection, the object would be for the sole purpose of protecting Japanese residents and forces in China.

13. On July 11, 1937, Mr. Hirota asked the Chinese Charge d'Affaires to come to the Foreign Office and there explained to him the necessity for a speedy local settlement. On the same day he sent an instruction to Councillor of the Embassy Hidaka to make the same statement to the Chinese Department of Foreign Affairs. A local settlement was reached on the night of the same day. However, the situation shortly became aggravated as the Nanking Government started the brisk movement of huge numbers of troops to the north. In the face of this alarming development and increasing incidents between Chinese and Japanese troops in North China and in view of the general background and situation within China itself, the Cabinet, on July 20, 1937, approved preparation for mobilization of three home divisions in compliance with the Cabinet decision of July 11, as previously stated. Even in the face of that tense situation Mr. Hirota did not abandon in the least his hope for a peaceful solution and he ordered Counsellor Hidaka to continue the negotiation with the Chinese which resulted in an agreement with Mr. Chang Chun, Governor of Su Chuan Province, providing for the mutual withdrawal of troops from the troubled areas. The Japanese Cabinet decision of non-reparation and non-annexation arrived at in the early part of August 1937 was self described by Mr. Hirota as being so wholesome that "the whole world would pay respect to the fair and unselfish attitude of the Japanese Empire." Negotiations based upon those principles were conducted between Ambassador Kawagoe and Mr. Kao Tsun-Wu, Director of the Chinese Bureau of Asiatic Affairs. At the same time Consul-General Okamoto exerted strenuous efforts on instruction from the Foreign Ministry for the maintenance of peace in the Shanghai district. Not being satisfied with the effectiveness of these official negotiations, Mr. Hirota dispatched Mr. Arita, Hachiro, former Foreign Minister, and Mr. Funatsu, Shinichiro, to China to work for peace among influential Chinese personalities behind the scenes. On October 1, 1937, the basic policies for dealing with the China Incident were decided among the four Ministers, that is to say, the Prime Minister, Foreign Minister,

War Minister and Navy Minister; there it was sincerely decided to seek a solution upon the broad principle to end the Incident as soon as possible, to adhere to international laws, to limit the combat zones roughly to the Hopei, Chehar and the Shanghai districts and to solve the problem of North China by assisting in whatever way might be possible in placing that district under the firm administration of the Chinese Nationalist Government. On October 20 and November 7, 1937, the Belgian Government invited the Japanese Government to participate in the Brussels Conference in connection with the China Incident but it was unable to accept the invitation. Evidence will be offered to show that the non-acceptance of this invitation did not constitute a breach of the Nine-Power Treaty. Moreover, strong and decisive elements in Japan were wary about acceptance of an invitation to the Brussels Conference because of apprehension that its ultimate decision had already been cut and dried and that nothing short of direct negotiations between the Chinese and Japanese would bring an end to the basic conditions which lay at the root of all difficulties between China and Japan for many years. Nothing the Foreign Minister could do would have altered that attitude in the least. However, Foreign Minister Hirota met Mr. Craigie, the British Ambassador, frequently after the latter's arrival in Japan in 1937 and asked the good offices of his Government for the realization of peace between Japan and China. On October 27, 1937, Mr. Hirota held an interview with the Ambassadors of Great Britain, the United States, Germany and Italy and told them frankly that the Japanese Government would warmly welcome any action by any of the above-mentioned four powers to take the initiative in introducing peace in China and to act as intermediary in any peace negotiations, the negotiations to be based solely upon the simple and non-aggressive principles expressed in the draft decision reached in the early part of August 1937 among the four Ministries mentioned above; all this notwithstanding the fact that Japan was not in a position to accept the invitation to the Brussels Conference. In response to this Mr. Craigie, British Ambassador, visited Foreign Minister

Hirota soon thereafter and informed him of the readiness on the part of Great Britain to take the initiative and to act as intermediary between China and Japan. Mr. Hirota asked him to do so. However, this effort on the part of Mr. Hirota did not progress because of objection raised by the Army. Later, the Army began to advocate the good offices of Germany. Mr. Hirota hesitated to ask Germany because he doubted the effectiveness of its good offices as Germany had only a weak voice in China. About the same time Mr. Craigie, British Ambassador, proposed to Foreign Minister Hirota the use of the combined good offices of Great Britain, the United States and Germany and it will be shown that Mr. Hirota was greatly interested in that proposal; however, it did not materialize on account of an objection from the Army and the lack of enthusiasm on the part of Germany in the use of its good offices in a joint effort with Great Britain and the United States.

In December 1937, Von Dirksen, the German Ambassador, informed Foreign Minister Hirota of the readiness of Germany to render good offices and he inquired about the Japanese terms. Mr. Hirota intended to make the terms decided in the early part of August 1937 the basis for the proposed negotiations and Mr. Hirota thought at that time there would be no objection on the part of the Army. However, as the liaison conference had been set up immediately preceding this occasion, the question was left to the final consideration of the liaison conference. On the other hand, Nanking fell on December 13, 1937, and as a result the general public and press in Japan favored a stronger China policy. At the liaison conference in December 1937 the opinions of Foreign Minister Hirota and others were not accepted and there were various heated arguments on that occasion. The upshot of the liaison conference was the insistence on stronger terms of peace for China than the terms agreed upon in the early part of August 1937. Additionally, the Nationalist Government of China was expected to make an answer to the new proposal by the fifth or sixth of January of the following year. Mr. Hirota showed the newly decided basic terms to the German Ambassador and gave him minute and detailed explanations.

The German Ambassador presented the terms to the Chinese side but the answer from the Chinese side was not forthcoming until January 14, 1938. The answer of the Chinese requesting more picayune details which had already been fully explained by Von Dirksen to them was regarded by the Japanese Government as exhibiting an inclination to protract the negotiations and in general as exhibiting an attitude of procrastination. The whole setup and complexion with respect to Chinese bona fides caused a deep feeling among the Cabinet that Chiang Kai-shek was using the occasion for the strategic purpose of rallying all China behind his banner and the anti-Japanism front. Thus, on January 16, 1938, the Japanese Government issued a statement "hereafter not to deal with the Nationalist Government." In this manner, the First Konoye Cabinet discontinued peace negotiations with the Nationalist Government but insofar only as the formal aspect of the negotiations were concerned. Nevertheless, even at this stage and with the fighting in China constantly spreading, Mr. Hirota did not give up his hope of negotiating a peaceful settlement with the Nationalist Government; and in the spring of 1938, he was in contact with the Nationalist Government which was then in Hankow with respect to the problem of a durable peace. In short, it was the consistent and earnest desire of Foreign Minister Hirota to restore peace in the speediest possible manner with China on the most reasonable and conciliatory terms; and he was at his wit's end in dealing with this intricate situation to prevent the spread of the Incident ever since it broke out on July 7, 1937. The evidence will show that he exerted his best efforts toward that end throughout his tenure of office and until the day he resigned from the First Konoye Cabinet in May 1938, he held high and almost prayerful hope that peace would reign. However, as the war progressed in favor of Japanese forces his position in the Cabinet became extremely shaky and difficult because of consistent adherence to his mild and conciliatory principles and ideas in dealing with the Chinese. This fact was recognized by Ambassador Grew as early as October 30, 1937. Thus Mr. Hirota expressed his desire to resign

while the Diet was in session in February 1938; but his resignation was not so simple because of his extraordinary sense of responsibility and the actual tug in politics inasmuch as he joined the First Konoye Cabinet at the ardent request of and support of the so-called sound and liberal faction represented by the last Genro, the late Prince Saionji, and others. Mr. Hirota having occupied the topmost position of Prime Minister was most reluctant to accept a lesser office in the First Konoye Cabinet and did so only at the earnest request of Prince Saionji who entertained the opinion that Mr. Hirota would lend strength and balance to the First Konoye Cabinet.

14. The Anti-Comintern Pact between Japan and Germany was a means for defense against Communistic movements insofar as its external aspect was concerned; internally speaking it was aimed, among other purposes, to alleviate one aspect of the insecure feeling of the Japanese arising out of its virtual international isolation since the Manchurian Incident and confrontation with the cold attitude of the League of Nations and the United States. The Anti-Comintern Pact as planned by the Japanese Government did not aim to obtain participants to the Pact solely among totalitarian States; Japan sought adherence to the Pact among all the States in the world aside from the Soviet Union. The evidence will show that the Netherlands, Great Britain and others were sincerely approached for the purpose of securing their adherence to the principles of the Pact.

15. Evidence will be introduced to show that Mr. Hirota had no connection whatsoever with the conclusion of the Tri-Partite Pact and that when the Germans evidently sounded out the Yonai Government he, in his unofficial capacity as so-called State Counsellor, advised Mr. Yonai against participation in any such military alliance and the efforts of Germany on that occasion were set at naught. The evidence will show that after Mr. Matsuoka negotiated the Tri-Partite Pact Mr. Hirota, in his capacity as a private citizen, talked and argued against it and stated that Matsuoka was following a course "fatal to Japan." As previously stated, Mr. Hirota always

maintained the firm conviction that the future of Japan lay in close cooperation with the United States, Great Britain and the Netherlands. He was deeply disturbed that the Tri-Partite Pact would only result in increasingly bad relations between Japan and the United States and Great Britain.

16. The revisions effected in the organization laws for the War Ministry and Navy Ministry which followed the February 26 Incident by the terms of which qualification for the offices of Ministers and Vice Ministers were limited to Generals and Admirals on the active list did not alter one iota the existing immemorial custom and usage under which only those on the active list were appointed to the posts of Ministers and Vice Ministers. The circumstances surrounding the revision of those laws have already been testified to. The deponent of the affidavit marked as Court Exhibit No. 2366, who was unable to testify in person because of illness at that time, will appear as a witness in this phase of the case. Additional evidence will be introduced to show actual examples in which attempts were made to form a Cabinet by appointing a retired General to the post of War Minister after recall to active service.

17. The steps taken by Mr. Hirota in connection with the naval negotiations of 1934, such as the abrogation of the Washington Naval Treaty and others, do not constitute violation of any treaty obligations or principle of international law. Mr. Hirota was a leader in thought in Japanese Government for general naval disarmament, abolition of offensive equipment and the principle of "non-menace and non-aggression" among all nations. As late as 1938, Mr. Hirota stated that the time might be ripe to call a new limitation conference of the powers. The court will recall evidence already introduced by the prosecution that upon the failure of those naval limitation agreements Mr. Hirota assured all the powers that the absence of agreements did not mean that Japan would engage in a naval construction race.

18. The prosecution erroneously contended that Mr. Hirota assumed the post of President of the Board of Planning; it was not the Board of Planning, but the Bureau of Planning to which he was appointed as President. The Bureau of Planning was exclusively engaged in studies and preparations for the establishment of the Welfare Ministry and he held that office from June 10 to October 24, 1937, although he seldom attended meetings. The Bureau of Planning did not deal with any other important business. This evidence will show that he had nothing to do with the Army five-year plan, other five-year plans discussed in the evidence, or with any plans to increase the strength of the nation for war purposes.

19. As previously stated, Mr. Hirota did not hold any responsible position after his resignation from the Government as Foreign Minister in the First Konoye Cabinet in May 1938. Therefore there is no ground for holding him legally responsible for the decisions and steps taken by the Government at any time since May 1938. He was a Cabinet Counsellor under the Yonai Cabinet, but a Counsellor had no other responsibility than to express advisory opinions in response to inquiries if and when the Government saw fit to ask for such opinions. Mr. Hirota was treated under Japanese custom as a so-called "elder statesman" along with other persons who had held the position of Prime Minister and his opinion was sometimes sought concerning special political problems, more particularly with respect to the choice of the candidate for Prime Minister in case of a Cabinet change. Mr. Hirota approved the recommendation of General Tojo at the time the Third Konoye Cabinet resigned because he trusted Marquis Kido's opinion that General Tojo was a suitable person for the purpose of reconsidering the decisions made by the Imperial Conference held on September 6, 1941. Mr. Hirota did not know General Tojo at that time and had no knowledge of what kind of a person he was. Mr. Hirota agreed with the opinions expressed by Marquis Kido who was then Lord Keeper of the Privy Seal. Moreover, Mr. Hirota understood at the time that the Tojo Cabinet would continue with sincerity its efforts for the restoration of

normal relations between the United States, Great Britain, the Netherlands, etc. and he had no thought whatever at the time he agreed with Marquis Kido's opinion that war would transpire on December 7, 1941. Mr. Hirota's opinion expressed at the Imperial Conference held on November 29, 1941, when he was summoned as one of the "elder statesmen," called for "diplomacy first," and is sufficient in itself to prove that even at the eleventh hour and when the existing Government was of the opinion that war was "inevitable" he stood out as a bulwark in his consistent and lifelong advocacy of peace and conciliation. It will be clear to all those who have a correct understanding of Marquis Kido's diary that Mr. Hirota did all which lay in his power to avoid a conflict between Japan and the United States, Great Britain and the Netherlands.

20. Thus it will appear that Mr. Hirota had no part in or power to control the Pacific War or anything to do with what transpired in connection therewith; no part in the negotiation for or conclusion of the Tri-Partite Pact; nothing whatever to do with the landing of troops in French Indo-China, the arbitration of the boundary disputes between French Indo-China and Thailand; and nothing to do with the border clashes between Japanese and Russian troops in Manchuria. Mr. Hirota has never entertained the thought or said or done anything whatever which would indicate that he either individually or in connection with a common plan or conspiracy sought Japanese domination of the world or any part thereof or any race or people living therein.

The evidence will also show that complaints lodged with the Japanese Foreign Office by foreign governments received unprecedentedly prompt attention and answer. The prompt, humble and apologetic attitude assumed by Mr. Hirota and the Japanese Government upon the happening of the "Panay" and "Ladybird" accidents in Chinese waters and prompt payment of indemnities in connection therewith are all attributable to Mr. Hirota. The evidence will show that no man who ever occupied the Foreign Office was more disturbed about those incidents and others which occurred in China during the course of

large-scale hostilities because they, in the estimation of Mr. Hirota and the responsible officials of the United States and Great Britain, seemed to offer an imminent threat to good relations between those countries and the possibility of undoing in moments of emotion and passion on the part of foreign governments of everything Mr. Hirota had worked so assiduously to build up during his years in office. Even when Mr. Grew, the American Ambassador, transmitted to the Foreign Office complaints of religious and other groups in Nanking about atrocities committed in Nanking by Japanese troops on and after December 13, 1937, Mr. Hirota, without knowledge as to whether those reports were true or false, accepted those reports from the standpoint of the Foreign Office as being substantial, ordered the responsible officials to take the complaints up with the War Minister who was to make appropriate representations to the Supreme Command of the Army; the evidence will show that Mr. Hirota personally remonstrated in this connection and that the Army took action to the extent of making appropriate investigations and sending a special Army representative to Nanking in that connection. As the Foreign Minister had no control whatsoever over the activities of the Supreme Command, this was all that any Foreign Minister could be expected to do and actually could do under the Constitution of Japan.

21. Mr. Hirota had no connection whatever with such slogans as "New Order" or the "Greater East Asia Co-Prosperity Sphere." Although some quarters in Japan maintained that the Nine-Power Pact had been a dead letter since 1930 because of the Chinese action in unilaterally denouncing all extra-territorial rights in China and that the Pact was impractical in operation, Mr. Hirota always assured the third powers that their rights in China under the Nine-Power Pact would be scrupulously observed by Japan; Mr. Hirota was honest and sincere in those representations and all instructions emanating from the Foreign Office warned Japanese authorities that the rights of third powers must be carefully observed.

22. Neither the defendant nor his counsel have been able to discover up to this stage the point sought to be made by the prosecution in his relation to the counts of the alleged indictment. Hence, counsel are necessarily driven to introducing evidence relating to the topics unraveled by the prosecution. The defendant now goes forward with additional evidence and upon the conclusion of the presentation of all the evidence in the case the defendant will most respectfully move this Honorable Tribunal to return a finding of not guilty upon each and every count of the alleged indictment affecting him.

Several additional pieces of evidence are either being prepared in foreign countries or are now en route to Japan. If this evidence does not arrive before the conclusion of the evidence on behalf of Mr. Hirota, the defendant requests the privilege of introducing such evidence at a later stage of this trial.

All of which is most respectfully submitted.

OPENING STATEMENT (HIROTA)

Def. 0002571

Exh. No

辯護書類第二五七一號

極東國際軍事裁判所

アメリカ合衆国其他

對

荒木貞夫其他

廣田弘毅氏の爲の冒頭陳述

既に訴訟記録に編入された證據で廣田氏が在職中發生した事件のみに關するもの、及び、更に約百二十通の文書の提出と少くとも十二人の證人の證言により、我々は次の事實を示さんとするものである。

廣田氏は明治三十九年に外交官としての長い勤務の第一歩を踏み出し、昭和十三年の五月に之を卒えた。氏は會て軍機に就いたことがない。此の長い期間中、氏の政治上及び外交上の意見及び政策の特徵は、常にすべての國家間の平和と親善と協調とであつたが、之は、彼の謙虛で親切で健全で堅實な性格の表現に過ぎなかつたのである。彼は、日本が生んだ最も傑出した人物の一人であり、日本と他のすべての國家との間の平

和的關係の爲に常に努力を惜しまなかつた自由主義的且進歩的人物として、日本及び世界の大部分の國家の間にその名を知られ且好意を以て迎へられて來てゐる。諸國家間の平和と協調とを終始棄らず主張した爲、氏は、外交官としても政治家としても共にその名を知られ且深く尊敬せられた。氏が昭和八年に始めて外務大臣に選任せられた主な理由は、彼の健全な意見及び政策に對する信頼であつた。當時日本は、滿洲事變に對し國際連盟及び米國のとつた態度の爲、國際社會から實質上隔離せられていた。少佐以下の階級の將校に指揮せられた陸軍部隊の叛亂であつた所謂二・二六事件が卷起した國內的混亂の際、彼は首相に任命された。すべての國家間の協調、友好及び親善を認むる廣田政策は「焦土外交」と稱せられた前外相内田外相の政策と對照をなすのである。昭和七年―同十一年の期間には、滿洲事變の余波の爲非常に時と稱せられては居たが、日本と米國、英國、オランダ其他の諸國との關係には一轉機を劃したのであつた。それは平和な時期であり、對外關係、國內情勢共に漸次好轉を示したのであつた。廣田氏が外相及び首相として徐々に併し着實に齎した進歩は、全然豫想せざりし昭和十二年七月七日の盧溝橋事件により中斷された。日本政府は直に現地解

決及び不遠大の方針を決定したが我々は廣田氏が政府に在つて平和の爲率先全力を盡し英雄的勢力をすら拂つたことを、義國の余地無き迄に立證するであらう。併し乍ら、事件を急速に解決せんとする政府の長期に亘る努力にも拘らず、戦國は強大の一途を辿り、せしめ事件として端を發した事件は、所謂日華事變に迄發展したのである。我々は中國に於ける平和實現の爲外務省がなした一切の努力を、證據によつて詳細に示すであらう。此等の努力は最も眞剣になされたのであり、廣田氏にも、他の如何なる責任ある外務省官吏にも事件を遷延せんとするが如き考は毛頭なく中國又はその何れの部分をも支配又は征服せんとする考のなかつたことは勿論であつた。日本が中國四億の夥しい民衆を首尾よく支配出來よう等と考へる愚幼稚な者は、責任ある外務省官吏には一人もいなかったのである。廣田日本は中國に於ける居留民の生命身体とその合法的財産を保護しようとはしたが、外務省に主唱した原則及び政策は遂に陸軍の反對に遭ひ、此の爲彼は昭和十三年の二月に既に辭意を表明したが、結局同年五月に第一次近衛内閣の外相を辭任するの已むなきに至つた。辭任以來、彼は政府の如何なる

行政的地位にも就かず、又斯る野心もなかつた。

二議會に於て廣田氏自ら多くの機會に用いた言葉を借用すれば「萬邦協和の精神」を彼は生來もつていたのである。彼の高官時代を通じて、彼は常に世界の他の諸國家との協調及び友好の増進に努めた例へば昭和二年六月五日彼はオランダ駐劄公使としてヘーグに着任した。オランダ在任中彼は兩國間の經濟的及び文化的協力の強化に努力したが之は昭和八年四月十九日ヘーグで署名された司法解決仲裁裁判及び調停に關する條約の形で結實したのである。この條約の批准に對しては日本國內の一部に反對があつたが、廣田氏外相時代の努力の結果、日本は之に批准し、昭和十年には批准書の交換が正式に行われた。

廣田氏はオランダからソ連駐劄の大使に轉任したが大使在任中彼は種々の重要案件を一つ一つ解決し、その結果兩國間の關係と感情とを決定的に改善したのである。歸朝後外相に就任してからも彼は常に日ソ間の友好と親善を強化するに努めた。彼の他の努力の中、我々はソ連が東支鐵道を滿洲國に賣却した商議に於ける斡旋者としての彼の努力を指摘する。この商議は東京に於て十九ヶ月間に亘り行われ昭和十年三月に至り始めて正式の譲渡及賣却が署名せられたのである。廣田氏

が、幹旋者たるの勞をとるに到つたのは一に庫謀の潜在的根源を除去せんとする彼の努力に他ならなかつた。尙ほ東支鐵道は南滿洲鐵道と連結して、東洋と西ヨーロッパとの重要な交通上の連絡路であつた。長い商議の間廣田氏が幹旋者としてなした辛勞強い助力に對しては外務人民委員リトヴィノフも深い満足の意を表明したのである。賢却交渉の詳細は追つて示すのであるが日本が勢力を行使したと思はせる様な事實は全々ない。日本又は滿洲國への本鐵道買却は蘇聯から持ち出された話であり蘇聯自身も日本政府と同様庫謀の潜在的根源を除去する事を喜んで居る模様であつたといふのが真相である。

三、我々は廣田氏が駐ソ大使時代ソ連によつて提案された、不可侵條約の締結に個人的には賛成であつたといふ事を立證するであらう。モスコウから歸朝後、氏はソ連の提案を内田外相に傳達した。この提案に對する日本政府の回答は、廣田氏の待命中に、ソ連に對し發せられたのである、即ち廣田氏は昭和七年の末、モスコウから歸朝し、昭和八年九月齋藤内閣の外相に突然任命せられるまではずつと引退中であつたのである。

四、昭和十一年十一月、廣田内閣時代に日獨間に防共協定が締結されたが之は共產主義運動が次第に侵蝕して來て、所謂資本主義的組織のすべての國家の統治形態に對しても直接の脅威となつたので、之を防止せんとしたのみで他に目的があつた譯ではない。昭和十一年當時將にコミンテルンの第七回大會開催後は日本に於てはコミンテルンとソ連とは眞の目的を同じくし同一體である、との考が廣く行われたけれども、防共協定は共產主義運動のみに對するものであつてソ連に對するものではなかつた。防共協定は、日ソ間の友好關係を維持せんとする廣田氏及び日本政府の意圖を變更するものではなかつたのである。本協定はドイツとの軍事同盟への「第一歩」ではなく、廣田氏も、日本政府内の他の如何なる責任ある人も、昭和十一年當時かゝる無謀の考

を抱いたことにはなかつた。の**み**な**ら**ず我々は、廣田氏程、日ソ間の友好関係増進の爲に奮闘した人は未だ會てない、ということを立てるであらう。

五、檢察側は笠原手記により、廣田氏が反ソ思想を有していたことを立證せんと努力せられたが、右文書に關しては廣田氏は何等知る所がない。右の手記なるものは殆んど判讀し難いものであるが、その内容が、ソ連との關係に就て廣田氏が常に表明していた意見と反對であるとの同一證人の證言の部分を我々は引用するであらう。

六、我々は更に、廣田氏の對華政策が、調和、協調及び妥協の精神と、威信を失せざる限り平和の爲にあらゆる犠牲を拂はんとする精神とに全心的に立脚していたことを立證するであらう。更に我々は、日本の最近史上、滿洲事變の前後を通じ緊張した日華間の國交の調停の爲、廣田氏程奮闘した者はない、ということを立てるであらう。内田外相時代の日華關係を等る劣國氣は、極度に陰鬱であつたが、廣田氏に外相就任と共に兩國關係の改善に最大の努力をなし、多くの機會に直接及び證會の演説を通じ、中國に對し友情と理解の手を差しのべたのである。我々は彼の外相時代に、日華間の種々の懸案が解決せられ、兩國

間の協力増進の爲、新しい手段が講ぜられたことを立證するであらう。かくて昭和九年の初、日華間の關係を根本的且徹底的に改善する爲の交渉が、有吉駐支公使と、國民政府行政院長兼外交部長汪精衛氏との間に開始された。此の交渉は圓滑に進捗した爲、廣田氏は昭和十年一月二十二日、郵會でその旨を言明したが、之に引續き同年二月二十日には汪氏が同様ラインの言明をなした。同年三月二日、蔣介石氏は汪氏の右の言明を承認した。更に日本政府は既に蔣氏を承認して居り廣田氏は國內秩序と統一と安定とを中國に招来せんとする蔣介石の根氣強い努力に深い關心を寄せたのである。同年五月には、日華間の感情と好感とを強化増進せんが爲、兩國の公使館は夫々大使館に昇格せしめられた。

同年十月四日、日本政府は上述の日華關係を具体化せんとして、その對華政策を決定した。この政策は汪精衛氏の希望の線に沿つて作られたのである。所謂中國に關する「廣田三原則」は昭和十一年一月二十一日の廣田外相の郵會演説によつて公表せられたが、對華政策に關するこの郵會演説は、前記日本政府の對華政策と實質上同一であつた。

七、廣田氏は常に、日本の貧弱な資源と經濟上の弱點に鑑み、日本の進

歩は米國、英國、オランダ及び中國の協力と友情とがなければ不可能である、との固い信念を持して來た。そして、これらの諸國に對する彼の至大の友情と協力とが、彼の外交の眞の礎石であるということが出来るのである。彼は英國を説いて防共協定又は同様な協定に入せしめて、日英兩國の提携を強化しようとした。英國は加入を拒絶したが、彼はイタリイから屢々加入の申込がゐつたにも拘らず、英國が動機を誤解しはせぬか、英國内の反響が日英兩國の友好關係を悪化せしめはせぬか、と惧れたばかりに、イタリイの申込を受け流し置いたのである。

八 協力と一層の諒解とを取付けんとする廣田氏の大胆を試みは、昭和九年二月の彼とハル氏との間のノートの交換によつて一度表示されたが同年三月三十日、日本を初めて西洋文明の影響に開放した。一八五三年のペリー提督日本上陸の記念日に際し、彼が述べた對米個人的メツセーに於て再び表示されたのである。

帝國議會で彼がなした多くの演説は、彼の信念と意見との率直な言明を示すに與つて多大の力があるであらう。

昭和十年の議會に於て彼は「私の在職中は戦争はありません」と断言したが之は外交官及び政治家としての彼の決意を明かにするものである。日本の舊憲法に於ける陸海軍の獨立性に鑑みる時、本法廷が前述の彼の言明に表示せられた勇氣を認めることは易々たるものであらう。檢察官は、對外の關係に就ての廣田氏の發言は協調的であつたが、彼の實際の政策とその結果とは之と性質の異なるものであつた、と結果論から見て主張せられた。廣田氏は生來心に表裏のある謀略を事とするが如き人ではない。廣田氏の意圖と喰違つた結果を見た場合には、それが彼の左右し得ない事情によつたものであるということが立證されるであらう。彼は、その長期に亘る努力の一切が効果を齎さなかつたことを充分に自認して、昭和十三年五月に、最後の公職を辭したので

ある。内外共に難況にあつた時期に高官に任命されたのは、彼にとつて不幸な事であり、彼が多額の熱意を以て、國內的及び國際的不均衡を是正しようと努力したにも拘らず、彼はその熱心に努力した理想や目標が、すべて崩壊するのを見たのである。

證據の大部分は、かゝる情況に於ける廣田氏の努力に関するものである。新て提出された起訴狀に列記された目的の達成の爲の共同計畫又は謀議の存在を反駁すると共に彼に對する起訴狀の訴因の何れに關しても彼が個人犯罪の責任がないということをして白日の如く明にせんとするものである。

廣田氏が始めて外相に就任した當時は、滿洲國は既に獨立國として日本により承認せられており、日滿兩國の關係は既成事實と看做され日本は何人も之を獨力では容易に変更し得ないものとなつてゐた。

我々は、かゝる事情の下に於て廣田氏の成し得たことは、新しい事態と兩立する範圍内で前記の如く滿洲事變と滿洲國政府の出現の爲ひどく惡化していた日本と中國其他の諸國との間の關係を改善するに努むるにあつたということを立證するであらう。

我々は既に提出せられた證據及び更に提出せらるべき證據によつて、彼の勢力の結果滿洲國は獨立の主權國家たる資格に缺けて居るとの第

三國の主張の基礎となつた一切の要因が、次第に除去せられたことを示すであらう。彼が昭和十年に、日滿兩國同様の代表を以て組織する經濟共同委員會の樹立に成功した事實及び昭和十二年に於ける滿洲國內一切の治外法權放棄の事實は注目すべきである。彼の努力は、これらの事象の良心的調整に存したのである。

六、米國はその申入れに於て、滿洲國の所謂石油專賣其他の經濟的諸方針に付て、その責は日本に在りとして居た。外務省としては、滿洲國の獨立を根本的に否定せぬ限り、かゝる異議に充分の満足を與へることが不可能であつた。即ち前述の如く、滿洲國は廣田氏の外相就任以前に、既に自主的に對內的及び對外的諸問題を處理するの能力ある獨立主權國家として、日本により承認せられていたからである。

十二昭和十二年七月七日、盧溝橋事件が突然勃發した。事件の電報が外務省に初めて到着したのは七月八日であつた。廣田氏は、神奈川縣 鷺沼の彼の別荘で療養中であり、事件を予知していなかつたことに勿論、事件發生の事實すら知らなかつた。

七月九日臨時閣議が開かれ、事件の不續大と急速な現地解決の方針が決定した其の際廣田氏は主導的立場をとつたのである。其の方針は直ちに外務省から中國に駐在する日本大使及び諸領事に訓令せられ、又

陸海軍も中國に駐屯した夫々の關係部隊に同様訓令を發した。七月十日陸軍より動員準備の予備計畫が提案せられ此の目的の爲緊急閣議が開かれたが、廣田外相は動員計畫を即刻採用しようといふ陸軍の考へには反對した。併し乍ら、其の時、杉山陸相は動員準備の此の予備計畫は内地師團の動員準備を直ちに開始することではなくて、中國に於ける情勢が近き將來萬一惡化する様な場合は動員準備を開始し得る様予め決定せんとするものであると説明し、更に杉山氏が此の予備的諒解がなければ重要な日本の現地權益は勿論多數の居留民及び現地其のものゝ保護に對しても責任を取る事は出來ない、何となれば現地に値か五千を徵へる僅少の日本軍が居るに過ぎないからで有ると説明したそこで内閣は現地解決の交渉が成立し、平和再回の曉は直ちに動員準備を中止すると言ふ諒解で陸軍の予備計畫に賛成した、且又其の際廣田氏の主張によりて陸軍が此の關係で萬一派兵する場合は、それは中國に於ける居留民と軍隊の保護が唯一の目的であると云ふ了解を再確認した。

十三 昭和十二年七月十一日、廣田氏ハ中華民國代表現大使ヲ外務省ニ招キ急速ナ
 現地停決ノ必要ヲ説明シタ。同日、又日高大使館參事官ニ宛テ中華民國外
 務省ニ對シ同様ノ聲明ヲナス様訓令シタ。而シテ同夜現地停決カ成立シタ
 ヲガアル。然シ南京政府ガ大部隊ヲ活潑ニ北上シ始メタノデ固モトク情勢
 ハ惡化シタ。北支ニ於ケル日支部隊固ニ於ケル斯クノ如キ危急ナル事態
 瀕發スル諸種ノ事件ニ鑑ミ、又中華民國々内ニ於ケル一般情勢ニ鑑ミ、昭
 和十二年七月二十日、内閣ハ前記ノ如キ七月十一日ノ閣議決定ニ基キ三ヶ
 師團ノ内内部隊ノ動員準備ヲ承認シタ。斯ク如キ危急ナル情勢ニモ拘ラズ
 廣田氏ハ決シテ平和的停決ノ希望ヲ放棄セズ日高參事官ニ命ジ支那側トノ
 交渉ヲ繼續セシメタ。ソノ結果四川省主席張羣トノ間ニ紛爭地以ヨリ相互
 ニ軍隊ヲ撤退スルト云フ協定ニ達シタ
 昭和十二年八月上旬ニ非將償及非併合ノ閣議決定ヲ見タガ本決定ハ廣田氏
 自身「日本帝國ノ斯ル公平無私ナ態度ハ全世界ノ尊敬ヲ克チ得ルデアラウ
 トシテ禮贊シテ居ル程ノモノデアアル。本原則ニ基キ交渉ハ中國亞州司長、
 高宗武ト川越大使トノ間ニ行ハレタ。同時ニ日本總領事ハ外務省ノ訓令ニ
 基キ上海地區ニ於ケル平和維持ニ非常ナル努力ヲ爲シタ。此等當局間ノ公
 式交渉ノ效果ニ満足セズ、廣田氏ハ前外務大臣有田八郎氏及船津辰一郎氏

ヲ中華民國ニ派遣シ、中國有力者筋ニ平和ノ爲ノ内部工作ヲナサシメタ。
昭和十二年十月一日支那事變處理根本施策ガ總理外務及陸、海軍四相間ニ決定
セラレタ。即チ可急的速ニ事變ヲ終結セシムベキ根本原則ニ基キ解決ヲ計
ル事ハ口際法ヲ嚴守スル事、交戦地域ヲ大略河北、察哈爾及上海地域ニ限
定スル事、及北支地域ヲ國民政府確カナ統治下ニ置ク爲ニ能フカギリ援助
シ以テ北支問題ヲ解決スル事等ガ決定セラレタ。
昭和十二年十月二十日及十一月七日、ベルギー國民政府ハ日華事變ニ關スル
ブラッセル會議ニ日本ヲ招請シタガ日本政府ハ此レニ應ズル事ハ出來ナカ
ツタ。此ノ招請拒否ハ九ヶ箇條約、違反ヲ爲スモノデナイ事ハ立證セラル。
、デアラカ。其ノ上日本國內ニ於ケル強力且決定的分子ハブラッセル會議
ハ既ニ結論ヲ用意シテ居ルモノデアリ日支直接交渉以外多年中日間ニ存在
セル總ニル困難ノ根元ヲ終結スル方法ナシトノ懸念カラ同會議受諾ヲ警戒
シテ居タ外務大臣トシテ斯ル態度ヲ變更セシムルコトハ不可能デアツタ。
然シナガラ廣田外務大臣ハ、昭和十二年來朝セル、ケレーギー英日大使ト
シバシバ會見シ中日間ノ平和實現ノ爲ノ斡旋ヲ要望シタ。昭和十二年十月
二十七日廣田氏ハ、英、米、獨、伊大使ト會見シ、中日ニ平和ヲ齎サンガ
爲、彼等ガ、ソノ「イニシアチブ」ヲ取り且、同年八月上旬四相決定案中

不可侵ノ原則ニ基テ交渉ノ爲ノ橋渡ヲ爲ス爲ノ如何ナル措置ヲモ歡迎スル
旨卒直ニ述ベタ。

日本ハブラツセル會議ヘノ招請ヲ受諾出來ナイ地位ニアツタニ不拘斯ル申
入カ爲サレタノデアツタ此レニ應ジ、クレイギー英國大使ハ時ヲ移サズ、
廣田外務大臣ヲ訪レ、英口トシテハ「イニシアチブ」ヲ取り橋渡シノ勞ヲ
トル用意アル旨ヲ傳ヘタ。廣田氏ハ斯ル宿願ヲトラン事ヲ求メタ然シ廣田
氏ノ努力ハ軍ノ反對ニ會ヒ進捗シナカツタ。後日、軍ハドイツ口ノ韓旋ヲ
要請スル機首唱シ始メタ、廣田氏ハドイツ口ニ韓旋ヲ只望スル事ヲ躊躇シ
タ。廣田氏ハ、ドイツノ中口ニ於ケル發言權ガ微力ナル爲メノ效果ニ關シ
テ疑念ヲ抱イテキタカラデアレ。略々同ジ頃クレイギー英國大使ハ廣田外
務大臣ニ、英、米、獨共同ノ韓旋ヲ提案シタ。廣田氏ハ此ノ提案ニ對シ非
常ニ關心ヲ寄セタガ軍ノ反對及ドイツ側ノ、英米トノ共同韓旋ニ對スル不
熱心ノ爲、口現ヲ見ルニ到ラカツタ

昭和十二年十二月フオランダイルクセンドイツ大使ハ廣田外務大臣ニ對シ
ドイツ口ハ韓旋ノ用意アル旨ヲ通達シ、日本側ノ條件ヲ照會シタ。廣田氏
ハ昭和十二年八月初旬ニ決定シタ條件ヲ交渉ノ基本條件トスル意向デアリ
且當時軍側トシテモ之ニ反對ハナイモノト考ヘテ居タノデアツタガ其ノ直

前連絡會議が開催セラル、ヤ同國同ハ同會議ノ最後の討ノ要アリトセラ
 レ、ニ到ツタ。他方、昭和十二年十二月十三日、南京ハ陷落シタ。其ノ結
 果日本國內ノ輿論及新聞ハヨリ強力ナル對華政策ヲ支持スルニ到ツタ。
 昭和十二年十二月ノ連絡會議ニ於テハ廣田外務大臣其他ノ意見ハ容レラレ
 る非常ニ烈シイ論争が展開セラレタ。連絡會議ハ遂に昭和十二年八月初旬
 ノ協定條件ヨリ一層強イ平和條件ヲ要求スル迄トナツタ。
 更ニ國民政府ハ新提案ニ對シ翌十二年一月五日乃至六日迄ニ回答スベキ事
 ニナツタ。

廣田氏ハ右新決定條件ヲ獨大使ニ提示シ詳細ナル説明ヲナシタ。獨大使ハ同條件ヲ支那側ニ提示シタカ中國側ノ回答ハ昭和十三年一月十四日マデニハ到ラズシナカッタ。中國側ノ回答ハフオンデイルクセンニ依テ既ニ充分行ハレタ詳細ナル説明ニ對シ、ソレ以上ノ不要ナル説明ヲ要望シタノテ日本政府ハ中國側ノ回答ハ交渉ヲ長引ヤシメントスガ延引政策ヲ示スモノト認メタ。中國側ノ職責ニ關スル此ノ全事態ハ內閣ヲシテ、蔣介石ハ此ノ機ヲ利用シテ全中國ニ彼ノ勢力下及反日本主義戰線ニ集中シ、戰爭目的ノ爲ニ利用ヤントスルモノトノ感ヲ深カラシメタ。斯ノ如クシテ昭和十三年一月十六日、日本ハ一爾後國民政府ヲ相手トヤスト云フ聲明ヲ發シタ。斯クシテ第一次近衛內閣ハ國民政府トノ平和交渉ヲ外見上ハ打切ツタ。然シナガラ斯クノ如キ段階ニ到ツタトハ云ヘ、且又支那ニ於ケル戰爭ガ不斷ニ展開シテ居タトハ云ヘ。廣田氏ハ尙國民政府トノ平和的解決ノ交渉ニ對スル希望ヲ捨テナカッタ。ソシテ昭和十三年ノ春ニ同氏ハ當時、漢口ニ在ツタ國民政府ト恒久的平和ノ問題ニ關シ接觸シタ。結局廣田外相ノ不斷ノ熱望ハ最も合理的且協調的條件ニ於テ支那トノ平和ヲ最も速ニ復スルト示フコトデアッタ。即チ昭和十二年七月七日ニ事變ガ勃發シテ以來ソノ擴大ヲ防止センカ爲、此ノ紛糾シタ事變ノ處理ニ精魂ヲカタムゲタノデアッタ同氏ノ在職中ヲ道ジテ此ノ目的ノ爲ニ努力ヲ惜マナカッタ事實及昭和十三年五月ニ第一次近衛內閣辭職スル日迄廣田氏ハ

平和再現ノ高遠且殆ト信仰的ト希望ヲ持ツテ居タ事實ハ證據ニ依ツテ明瞭デア
 ル。然シ戰爭ガ日本軍ニ有利ニ進捗シテ來ルニツレテ廣田氏ノ内閣ニ於ケル地
 位ハ非常ニ不安定。且困難トモノトナツタ。其ハ同氏ガ支那處理ニ對シ終始中庸
 庸ニシテ協調的主義理念ニ固執シテ居タカラデアアル。此ノ事實ハ既ニ昭和十二
 年十月廿日ニグル！大使ニ依リ認メラレタ。斯クシテ廣田氏ハ昭和十三年二月議
 會ガ尙し會中ニ於テ辭意ヲ表明シタ。然シ同氏ノ辭職ハ次ノ理由ニ依リ簡單デ
 ナカッタ。即チ同氏ノ責任感ノ爲、及ビ元老故西園寺公及其ノ他ニ依リ代表ヤ
 ラレル所謂黨派自由主義派ノ人々ノ支持及要望ニ依リ第一次近衛内閣ニ参加シ
 タ事カラ來ル現實政治面ノ關係ノ爲ニ簡單ニ辭職出來ナカッタノデアアル。
 廣田氏ハソレ以前ニ首相ト云フ最高ノ地位ヲ占メテヤタノデ第一次近衛内閣ニ
 於テソレ以下ノ地位ニ着テ事ハ好マナカッタノデアツタガ、同氏ガ第一次近衛
 内閣ニ力トシテ和ヲ與ヘルトノ意見ヲ持ツテ居タ西園寺公ノ懇望ニヨリ此ノ地位
 ニツイタノデアツタ。
 十四 日滿兩國間ノ防共協定ハ外面的ニハ共產主義的運動ニ對スル一防禦策デ
 アツタ。内面的ニハ之ハ就中、滿洲事變以來ノ實業上ノ國際的孤立及國際聯
 盟及アメリカ合衆國ノ冷遇ニ歸因スル日本ノ不安感ノ一面ヲ軽減スル目的モア
 ツタ。日本政府ニヨリ計畫セラレタ防共協定ハ全体主義國家間カラノミ参加者
 ヲ得ヨウト目指スモノデハナカッタ。即チ日本ハソ聯ハ別トシテ全世界ノ各國

ヨリ、加盟ヲ希望シタノデアル。蘭、英及他國ニ對シ同協定ノ原則ニ參加ヲ求
 メンカ爲眞實交渉カ爲サレタ事、證據ニ示サレルテアラウ。

十五、廣田氏ハ三國同盟トハ何等關係ガナカッタ事及ドイツ國ガ惹ラク米内内
 閣ニ探リヲ入レ様トシタ時ニ廣田氏ハ内閣參議トシテ非公式ニ米内氏ニ對シテ
 ル軍事同盟ヘノ參加反對ヲ勸告シ、ドイツノ努力ガ無効ニトツタ事、證據ニ依リ
 示サレル松岡氏ノ三國同盟交渉後、廣田氏ハ個人トシテ此ニ反對論ヲ述ヘ松岡
 ハ「日本ニトツテ致命的ナ道ヲ進ンデヤル」ト言明シタ事ハ證據ニヨリ示サレ
 ルテアラウ。

前述ノ通り廣田氏ハ常ニ日本ノ將來ハ米、英蘭トノ緊密ナ協力ニアルト云フ確
 信ヲ持ツテ居タ。同氏ハ三國同盟ガ日本ノ米、英關係ニ惡イ結果ノミヲ惹起ス
 ルデアラウト非常ニ憂慮シテキタノデアル。

十六、二、二六事件ニ引續キ行ハレタ陸、海軍省官制改正ニヨリ大臣及次官ノ
 資格者ハ現役ノ陸海軍大將ニ限定セラレタノデアアルガ此ハ現役將官ノミガ常ニ
 大臣及次官ニ任命セラレテ居タ慣行ヲ少シモ變更シタモノデハナイ。此等ノ法
 律ヲ改正メタル諸事情ハ既ニ證明セラレテキル。當時病氣ノ爲自ラ出席シ、證言ス
 ル事ノ出來ナカッタ法廷證第二三六六號口供書ノ證人ハ此ノ訴訟ハ國際ニ證人
 トシテ出頭スルデアラウ。

内閣ヲ組織スルニ當リ豫備將官ヲ現役ニ復セシメテ役ニ陸軍大臣ニ任命シ内閣

ヲ組織セント試ミタ實例ヲ示ス追加的根據ガ學出サレルデアラウ。

十七 昭和九年ノ海軍々種會議ニ關シ廣田氏ニ依リ採ラレタ處置即チワシントン海軍條約ノ廢棄ハ何レノ條約上ノ義務又ハ國際法ノ原則ニ對スル違反ヲモ形成シナイ。廣田氏ハ一般的海軍縮少及攻撃的武備廢止及各國間ニ於ケル不脅威不侵略ノ原則ニ關シテ日本政府部内ニ於ケル思想的指導者デアッタ昭和十三年ニ於テモ尙廣田氏ハ陸海軍力ノ新タナル制限ノ爲ノ各國會議ヲ招集スベキ時期來ルヘント聲明シタ。本法廷ハ檢察側ニ依リ既ニ提示セラレタル次ノ如キ證據ヲ想起スルデアラウ。即チ此等ハ海軍軍縮協定ノ失敗ニ際シ、廣田氏ハ協定存在セザル事ハ日本ガ海軍ノ建艦競争ヲ爲ス事ヲ意味スルモノニ非スト各國ニ確言シタノデアアル。

十八 檢察側ハ廣田氏ガ企畫院總裁ノ地位ニツイタト誤ツテ主張シテキル。同氏が總裁ニ就任シタノハ企畫院デハナク企畫廳デアアル。同廳ハ専ラ厚生省ノ設立ノ爲ノ研究準備ニ從事シテキタノデアアル。ソシテ同氏ハ昭和十二年六月十日カラ十月二十四日マデ同職ニ在ツタガ出勤シタ日ハ少ナカツタ。企畫廳ハ何等其他ノ重要ナ事務ヲ扱ツテ居ナカツタ此ノ證據ハ廣田氏ガ陸軍五ヶ年計畫又ハ艦艇ニ述ヘラレテキル他ノ五ヶ年計畫又ハ戰爭目的ノ爲ニ力ヲ増進セントスル如何ナル計畫トモ何等關係ノナイ事ヲ證明シテイル。

十九 前述ノ如ク廣田氏ハ昭和十三年五月第一次近衛内閣ノ外務大臣ヲ
 辭シテ以來何等責任アル地位ニ着イテキナイ。故ニ昭和十三年五月以
 來政府ノ採ツタ決定措置ニ對シ彼ヲ法的責任者ト見做ス根據ハ無イワ
 ケデアル。廣田氏ハ米内内閣ノ參議デアッタ。然シ參議ハ政府ガ適當
 ト認メタ場合ニ行フ質問ニ對シテノミ助言的意見ヲ表明スル以外ニ
 他ノ如何ナル責任ヲモ有シナイ。廣田氏ハ首相ノ地位ヲ占メタ事ノア
 ル他ノ人々ト同様日本ノ習慣ニヨリ「重臣」トシテ取扱ハレ特權ノ政
 治問題ニ關シ特ニ内閣更迭ノ場合ニハ首相候補者ノ選擇ニ關シ意見ヲ
 求メラレタノデアアル。廣田氏ハ第三次近衛内閣總辭職ノ際東條大將ノ
 推薦ニ贊意ヲ表シタガソノ理由ハ東條大將ガ昭和十六年九月十六日ノ
 御前會議ノ決定ヲ再討スルニ適當ナル人物デアルト言フ木戸侯爵ノ
 意見ヲ尊重シタカラデアアル。

廣田氏ハ當時東條大將ヲ知ラナカッタノデ東條氏ガ如何ナル人物デア
 ルカニ付知識ヲ持タナカッタ。廣田氏ハ當時内大臣デアッタ木戸侯ノ意
 見ニ同意シタノデアッタ且又廣田氏ハ當時東條内閣ハ米國、英國、オラ
 ンダトノ間ノ正常關係ノ回復ノ爲ニ眞摯努力ヲ繼續スルモノト了解シ
 テ居タ。ソシテ同氏ハ木戸侯ノ意見ニ同意シタ當時昭和十六年十二月七
 日ニ戰爭ガ勃發スルデアラウ等トハ毛頭考ヘテ居ナカッタ。昭和十六年

十一月二十九日ニ開催セラレタ御前會議ニ「重臣」トシテ招集セラレ
 タ際廣田氏ハソノ意見ヲ述ブルニ當リ「外交第一」ヲ唱ヘタ。ソシテ此
 ノ事實ハ當時最后ノ段階ニ來リ政府ガ戦争「不可避」トノ意見ヲ有シ
 テ居タ時ニスラ廣田氏ハ平和及協調ノ不斷一貫シタ首唱者トシテ對抗
 シタ事ヲ充分證明シテ居ル。木戸日記ヲ正シク理解スル者ニトツテハ
 廣田氏ガ日本ト米國、英國、オランダ間ノ紛糾ヲ整ケ様トシテ、出來
 ル限りノ手段ヲ構ジタ事ガ明カデアラウ。

二十 斯クノ如ク廣田氏ハ太平洋戦争ニハ何等關係ナク又之ヲ處理スベ
 キ權限モ更ニ之ニ關シテ發生シタ何事ニモ關係ナイ事ガ明白デア
 ラウ。三國同盟ノ交渉及締結ニモ何等關係シナイ佛印ニ於ケル軍隊進
 駐佛印及タイ國間ノ國境紛糾ノ仲裁ニモ何等關係シナイ又滿洲ニ於ケ
 ル日蘇軍間ノ國境衝突ニモ何等關係シナイコトハ明白デアラウ。

廣田氏ハ個人的ニ又ハ共同ノ計畫ヤ謀議ニヨリ日本ノ世界霸權ヲ求メ
 或ハ之ニ關シテ或ハソノ渦中ニ在ル人々ト關係シタ事ヲ示サスル様ナ
 如何ナル思想モ言説モ行爲モナカッタノデアアル。

外國政府ニヨリ日本政府ニ對シテナサレタ異議ニ對シテハ非常ニ遠カ
 ニ回答セラレタコトハ證據ニヨリ明ラカデアアル。中國水域ニ於ケル、
 「バナイ」及「レディーバード」事件ノ發生ニ際シテ廣田氏及日本政

府ノトツタ速カニシテ恭謙ナ陳謝的態度、及此ニ對スル速ナ賠償支拂ハ
 スベテ廣田氏ニ歸スル所デアアル。外務省ニ職ヲ奉ジタ者ノ中デ廣田氏
 大企テナ衝突ヲ通シ支那ニ於ケル此種ノ或ハ其他ノ事件ニ個マサレタ
 ハ無カツタト云フ事ハ證明サレル處デアアル。何トナレバ其等ノ事件ハ廣
 田氏及米國、英國ノ責任アル當局ノ見通ニヨレバ此等ノ國々ノ間ノ友好
 關係ニ急迫シタ恐威ヲ與ヘ諸國政府ノ感情ノ激發裡ニ廣田氏ガ在任中不
 斷ノ努力ニヨリ築キ上ゲタ總ヘテヲ一瞬ニシテ瓦解セシメル可能性ガア
 ツタカラデアアル。グルー米國大使ガ、南京ニ於テ日本軍ガ昭和十二年十
 二月十三日以後ニナシタ強行爲ニ關スル在南京ノ宗教及其他團體ヨリ
 ノ抗議ヲ外務省ニ傳達シタ時デスラ廣田氏ハ其等報告ノ真偽ヲ知ラヌニ
 拘ハラズ外務省トシテノ立場カラ此ヲ實情的ノモノトシテ受理シ且主任
 官吏ニ對シ之ヲ軍ノ最高司令官ニ適當通報スベキ官廳タル陸軍省ニ通達
 スベキコトヲ命ジタ。即チ廣田氏ガ此ニ關シ個人的ニ抗議ヲナシソノ爲
 軍ハ此ニ關スル適當ナ調査ヲナシ特別ナ軍代表ヲ南京ニ派遣スルノ措置
 ヲ採ルニ到ツタ事ハ證據ノ示ス通りデアアル。外務大臣ハ最高司令官ノ活
 動ニ關シテハ何等ノ支配力モ有シナイモノデアアルカラ此等ハ外務大臣ニ
 期待シ得ル總ベテアリ且日本ノ憲法下ニ於テ事實爲サレ得タ總ベテ
 アツタ。

二十一 廣田氏ハ「新秩序」トカ「大東亞共榮圈」トカ言フスローガン
トハ何ノ關係モナイ。日本ノ或ル方面デハ九ヶ國條約ハ中國ガ同國ニ
於ケル治外法權ヲ一方的ニ廢棄スル措置ニ出タカラ昭和五年以來死文
ト化シタトノ見解ヲ有シ且同條約ハ實行性ナシト主張スル向ガアツタ
ガ廣田氏ハ中國ニ於ケル九ヶ國條約下ニアル第三國利益ヲ日本ニヨリ几帳面
ニ守ラレルベキ事ヲ常ニ之等諸國ニ確言シテキタ即チ廣田氏ハコレヲ
ノ説明ヲナスニ當ツテハ正直且誠實デアリ、外務省ヨリ發スルスベテ
ノ訓令ハ、第三國ノ權利ハ注意深ク守ラレネバナラヌ事ヲ日本官憲ニ
警告シテ居ツタノデアアル。

二十二 被告、辯護人ノ兩者ハ現段階ニ到ルモ、起訴狀ノ訴因ニ於テ極
察側ニヨリ求メラレテキル訴追點ヲ見出し得ナイノデアアル。故ニ辯護
人ハ必然的ニ檢察側ニヨリ糸口ヲツケラレテキル論點ニ關係アル證據
ヲ提示セザルヲ得ナイ次第デアアル
被告ハ更ニ追加證據ヲ提出シ本訴訟ニ關スル全證據提出ヲ完了スルニ
及ビ謹ンデ法廷ニ對シ、被告ニ關係スル起訴狀ノ各訴因ニ關シ、無罪
ノ判決ヲ下サレン事ヲ懇願スル次第デアアル。
數個ノ追加證據ハ目下外國ニ於テ蒐集セラレ或ハ送達途上ニアアル。此
等ノ證據ガ廣田氏ノ爲ノ證據提出ノ終了以前ニ到着シナイ場合ニハ被
告ハ本公判ノ後段階ニ於テ此ヲ提出スル特權ヲ與ヘラレンコトヲ要請
スル
右謹テ上申致シマス